

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COUNCIL RESUMED ORGANIZATIONAL MEETING REGARDING SELECTION OF TROIKAS FOR THE UNIVERSAL PERIODIC REVIEW 25 FEBRUARY 2008

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Overview

The Human Rights Council (the Council) resumed the organisational meeting it had started on 18 February 2008¹ on 28 February. The sole purpose of the meeting was to select the troikas for the universal periodic review (UPR). The troikas are groups of three rapporteurs selected from among different regional groups, and according to *Resolution 5/1* is tasked with facilitating the review for each State.

The UPR is expected to be one of the main achievements of the Council over the Commission. However, its start seems fraught with difficulties. One of the examples for this is the late selection of the troikas, which only happened less than two months before the start of the first UPR working group. Since the members of the troika have to prepare for the review of the State to which they have been assigned, it would seem important that the selection of troikas should have been done as early in the process as possible. It was initially expected to take place during the 6th session of the Council in September/December 2007, but it was soon seen that this would not be possible. The official stumbling block for this was that the exact role and functions of the troikas was disputed among member States. However, it seems that other considerations, including the fact that a late selection of the troika would also lead to less-prepared and therefore less-rigorous troika members, also entered into play.

Regardless of the reasons for the delay in the selection of troika members, the fact that the selection has now finally taken place allows the UPR to enter into its next phase.

¹ See ISHR's Council Alert for the 7th session, available at www.ishr.ch.

Presidential Statement on modalities and selection of the troika

President Costea opened the resumed organisational meeting on 28 February 2008 with a Presidential Statement outlining the agreements found on both the role of the troikas and the method of selection.² He said the ‘paper is a reflection of the general consensus on the role of the Troika members during the preparation for the review and the level of the representation of States in the review’. The language used in the Presidential Statement seems reflective of the very difficult consultations held, and also shows that considerable disagreement still persists on the role of the troika. The President pointed out that the agreement reflected in the statement on the role of the troika limited to the preparation of the review. As for the role of the troika in the preparation of the outcome document and the modalities of the actual review, he announced that more consultations were needed.

A number of States commented on the Presidential Statement, giving their interpretation of the document. Slovenia (on behalf of the EU) urged the Council to not be too prescriptive when settling on the modalities for the troika’s work, in order to remain flexible for future improvements of the UPR. It also demanded that the questions the troika will compile and put to the State under review be made publicly available to all interested stakeholders at the earliest opportunity, to ensure a transparent review process. The United Kingdom, on behalf of the Western European and Others Group (WEOG), supported this call for transparency. It stressing that transparency could serve as a ‘confidence building measure,’ as it seems that many States are somewhat anxious about the questions they will face during the review. Egypt (on behalf of the African Group) responded to these interpretations by recalling that the African Group had transmitted its position regarding the modalities of the actual review to the President. A number of States stressed that the Council will have to take a final decision on this point.³

Selection Process

After the brief exchange of interpretations of the scope of the Presidential Statement, the Council proceeded to the selection of the troikas by drawing of lots. Previously, the United Kingdom (on behalf of WEOG) had pledged that no State of WEOG would either demand to draw one of the troika members from its own group, reject any troika member for its own review or refuse to act as a troika member. During the selection of troikas, most States of the other regional groups requested to draw one of the troika members from their own group. It is not known how many States rejected a troika member and had to draw again, since that part of the selection was confidential. Only one State rejected to be a member of a troika for another State. When India drew Pakistan as one of its troika members (and chose to retain it), the Ambassador of Pakistan immediately raised the flag, indicating Pakistan’s refusal to serve as a troika member for India.

Among the notable troika configurations is the one drawn by the Ambassador of the United Kingdom. The selection drawn from the lot, the Russian Federation, Egypt, and Bangladesh caused some amusement in the otherwise quite serious room XVII where the Council holds its meetings. Of note is also the troika that Ukraine drew and chose to maintain, namely the Republic of Korea, the Russian Federation, and Guatemala.

² Contained in document A/HRC/OM/L.1, available at http://www.ishr.ch/hrm/council/upr/presidential_statement_troika.pdf. It will also be available on the OHCHR extranet shortly. The extranet can be accessed (fill out the form on the page to receive the user name and password) at www.ohchr.org/english/bodies/hrcouncil/form.htm. The OHCHR also provides access to the reports used in the UPR at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>.

³ Pakistan, on behalf of the Organization of the Islamic Conference (OIC), Egypt (on behalf of the African Group), China.

Tonga was the only State under review to be absent during the drawing of lots, and accordingly the President of the Council had to draw the lots for it. Tonga does not have a permanent representation in Geneva.⁴

The Office of the High Commissioner for Human Rights (OHCHR) has published a list of all troika members. Below you will find such a list, with additional indications as to whether a State had requested to draw one member of its troika from among its own regional group. No objections were raised by the State under review or the selected Troika members unless stated otherwise.

* indicates that the State under review requested that a member of its regional group be among its Troika.

First Session (7-18 April 2008)

Bahrain*

Regional groups selected: Asian Group, Western Europe and Other Group (WEOG), Eastern European Group (EEG)

Members selected: Slovenia, United Kingdom, Sri Lanka

Ecuador*

Regional groups selected: Asian Group, Group of Latin American and Caribbean Countries (GRULAC), WEOG

Members selected: Italy, Mexico, India

Tunisia*

Regional groups selected: African Group, Asian Group, EEG

Members selected: Bosnia-Herzegovina, Mauritius, China

Morocco*

Regional groups selected: African Group, WEOG, EEG

Members selected: Romania, Madagascar, France

Indonesia

Regional groups selected: African Group, Asian Group, WEOG

Members selected: Jordan, Canada, Djibouti

Finland

Regional groups selected: Asian Group, GRULAC, EEG

Members selected: Azerbaijan, Bolivia, RoK

UK

Regional groups selected: African Group, Asian Group, EEG

Members selected: Egypt, Russian Federation, Bangladesh

India

Regional groups selected: African Group, Asian Group, WEOG

Members: Indonesia,⁵ Netherlands, Ghana

⁴ The Ambassador of Tonga to France based in Paris had travelled to Geneva for the organisational meeting ten days earlier, but due to the ongoing consultations the selection had been postponed.

⁵ Pakistan was originally selected, but it objected. The lot for the Asian Group was therefore re-drawn.

Brazil

Regional groups selected: Asian Group, African Group, WEOG

Members selected: Gabon, Saudi Arabia, Switzerland

Philippines

Regional groups selected: African Group, Asian Group, WEOG

Members: Malaysia,⁶ Mali, Germany

Algeria*

Regional groups selected: African Group, Asian Group, GRULAC

Members selected: Uruguay, Philippines, Senegal

Poland

Regional groups selected: African Group, Asian Group, GRULAC

Members selected: Brazil, Japan, Angola

Netherlands

Regional groups selected: African Group, Asian Group, GRULAC

Members selected: Peru, Pakistan, Nigeria

South Africa*

Regional groups selected: African Group, Asian Group, GRULAC

Members: Zambia,⁷ Guatemala, Qatar

Czech Republic

Regional groups selected: African Group, GRULAC, WEOG

Members selected: France, South Africa, Nicaragua

Argentina

Regional groups selected: African Group, GRULAC, EEG

Members selected: Ukraine, Cuba, Cameroon

Second session (5-16 May 2008)

Ghana

Regional groups selected: Asian Group, GRULAC, WEOG

Members selected: Netherlands, Bolivia, Sri Lanka

Peru

Regional groups selected: African Group, Asian Group, GRULAC

Members selected: Mali, India, Cuba

Guatemala

Regional groups selected: African Group, GRULAC, EEG

Members selected: Gabon, Slovenia, Brazil⁸

⁶ Philippines initially drew itself, thus the lot for the Asian Group was re-drawn.

⁷ South Africa initially drew itself, thus the lot for the African Group was re-drawn.

⁸ Guatemala initially drew itself, thus the lot for the Group of Latin American and Caribbean States (GRULAC) was re-drawn.

Benin*

Regional groups selected: African Group, GRULAC, WEOG

Members selected: Nicaragua, Madagascar, Germany

Republic of Korea

Regional groups selected: African Group, Asian Group, GRULAC

Members selected: Peru, Egypt, Jordan

Switzerland

Regional groups selected: African Group, Asian Group, GRULAC

Members selected: Uruguay, Pakistan, South Africa

Pakistan

Regional groups selected: African Group, Asian Group, EEG

Members selected: Saudi Arabia, Ghana, Azerbaijan

Zambia*

Regional groups selected: African Group, Asian Group, WEOG

Members selected: Senegal, Switzerland, Philippines

Japan

Regional groups selected: African Group, Asian Group, WEOG

Members selected: France, Indonesia, Djibouti

Ukraine

Regional groups selected: Asian Group, GRULAC, EEG

Members selected: Republic of Korea, Russian Federation, Guatemala

Sri Lanka*

Regional groups selected: African Group, Asian Group, EEG

Members selected: Ukraine, Cameroon, Bangladesh

France

Regional groups selected: African Group, Asian Group, WEOG

Members selected: Zambia, Italy, Malaysia

Tonga*⁹

Regional groups selected:¹⁰ African Group, Asian Group, GRULAC

Members selected: Nigeria, Qatar, Mexico

Romania

Regional groups selected: African Group, WEOG, EEG

Members selected: Angola, Canada, Bosnia-Herzegovina¹¹

Mali*

⁹ As it does not have representatives in Geneva, the Government of Tonga authorised the President to draw the lots on its behalf. It had previously expressed its wish to have a member of the Asian Group among the Troika members, as well as its decision not to object to any of the selected members.

¹⁰ The combination of regional groups had to be re-drawn because the first combination did not include the Asian Group.

¹¹ Romania initially drew itself, thus the lot for the Eastern European Groups (EEG) was re-drawn.

Regional groups selected:¹² African Group, Asian Group, GRULAC
Members selected: Mauritius, Brazil, Japan

Gabon*

Regional groups selected:¹³ African Group, Asian Group, EEG
Members selected: Nigeria, China, Azerbaijan

¹² The combination of regional groups had to be re-drawn because the first combination did not include the African Group.

¹³ The combination of regional groups had to be re-drawn twice because the first two combinations did not include the African Group.

COUNCIL MONITOR STAFF

Yuri Saito, Fellow
Eléonore Dziurzynski, Communications Officer
Michael Ineichen, Human Rights Officer
Gareth Sweeney, Deputy Manager
Katrine Thomasen, Manager

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